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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,050	08/05/2003	Richard Gatley	F04-017	5517

7590

09/30/2004

R. Neil Sudol  
714 Colorado Avenue  
Bridgeport, CT 06605

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/634,050

Applicant(s)

GATLEY, RICHARD

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the phrase "i.e." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Admed (U. S. Pat. (5,090,303) or Zver (U. S. Pat. 5,562,537) or White (U. S. Pat. 6,338,677) or Munk et al. (U. S. Pat. (4,058,253).

All of the above prior art references show a plurality of gas flow control systems linked to a central controller, which are identical to the applicant's as broadly claimed.

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4. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Brinkerhoff et al. (U. S. Pat. (6,692,349).

Brinkerhoff et al. show a plurality of gas flow control systems linked to a central controller, which are identical to the applicant's as broadly claimed.

5. Claims 1-6, 9, 13-17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bujak, Jr. (U. S. Pat. 5,863,246).

Bujak, Jr. shows a gas flow control system for rooms. The system has a movable or adjustable control member 26, 28, 30, drive means 38, 40, 42, a gas pressure indicator 18, a controller 44 responsive to the sensed gas pressure to control the position of the adjustable control member and a computer for data input and out same as claimed.

6. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Belusa (U. S. Pat. 5,720,658).

Belusa shows a gas flow control system (Figs. 1-5) for rooms. The system has a movable or adjustable control blade member 39, 43, drive means 41, 45, a room gas pressure indicator 52, 53 and a controller 10 response to the sensed gas pressure to control the position of the adjustable control member and a computer for data input and out same as claimed.

7. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiggin et al (U. S. Pat. 4,741,257).

Wiggin et al show a gas flow control system (Fig. 1) for rooms. The system (Fig.1) has a movable or adjustable control member 22, drive means 24, gas pressure indicators 26, 28, and a controller 30 response to the sensed gas pressure to control the position of the adjustable control member same as claimed.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-8, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. (U. S. Pat. 5,863,246) in view of Belusa (U. S. Pat. 5,720,658).

The gas flow control system of Bujak, Jr. as above includes all that is recited in claims 7-8, 10-12 except for the gas pressure sensors located on both sides of an opening and a controller which controls the gas flow in response to the pressure differential across the opening. Belusa teaches a gas flow control system with gas pressure sensors 52, 53 located on both side of an opening and a controller 10 controlling the gas flow through the opening same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gas flow control system of Bujak, Jr. with a gas pressure differential control system of Belusa in order to improve the gas flow control efficiency.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bujak, Jr. (U. S. Pat. 5,863,246) in view of Admed (U. S. Pat. (5,090,303) or Zver (U. S. Pat. 5,562,537) or Kiser (U. S. Pat. 4,960,041) or Munk et al. (U. S. Pat. (4,058,253) or Hahn et al (U. S. Pat. 4,951,555).

The gas flow control system of Bujak, Jr. as above includes al that is recited in claim 19 except for the alarm. Patent to Admed or Zver or Kiser or Munk et al. or Hahn et al. discloses an

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alarm system same as claimed. Therefore. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gas flow control system of Bujak, Jr. with an alarm system as taught by Admed or Zver or Kiser or Munk et al. or Hahn et al. in order to improve safety.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belusa (U. S. Pat. 5,720,658) in view of Admed (U. S. Pat. (5,090,303) or Zver (U. S. Pat. 5,562,537) or Kiser (U. S. Pat. 4,960,041) or Munk et al. (U. S. Pat. (4,058,253) or Hahn et al (U. S. Pat. 4,951,555).

The gas flow control system of Belusa as above includes al that is recited in claim 19 except for the alarm. Patent to Admed or Zver or Kiser or Munk et al. or Hahn et al. discloses an alarm system same as claimed. Therefore. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gas flow control system of Belusa with an alarm system as taught by Admed or Zver or Kiser or Munk et al. or Hahn et al. in order to improve safety.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiggin et al (U. S. Pat. 4,741,257) in view of Admed (U. S. Pat. (5,090,303) or Zver (U. S. Pat. 5,562,537) or Kiser (U. S. Pat. 4,960,041) or Munk et al. (U. S. Pat. (4,058,253) or Hahn et al (U. S. Pat. 4,951,555).

The gas flow control system of Wiggin et al. as above includes al that is recited in claim 19 except for the alarm. Patent to Admed or Zver or Kiser or Munk et al. or Hahn et al. discloses an alarm system same as claimed. Therefore. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gas flow control system of

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Wiggin et al. with an alarm system as taught by Admed or Zver or Kiser or Munk et al. or Hahn et al. in order to improve safety.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiggin et al (U. S. Pat. 4,741,257) in view of Parker (U. S. Pat. 5,956,903).

The gas flow control system of Wiggin et al. as above includes all that is recited in claim 18 except for the data process device. Parker teaches a gas flow control system with data processor and controller same as claimed. Therefore. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gas flow control system of Wiggin et al. with a data processor and controller as taught by Parker in order to improve control efficiency.

### ***Conclusion***

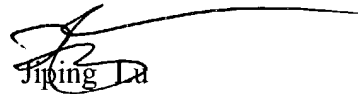
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Belusa (U. S. Pat. 4,705,457) and Rhodes (U. S. Pat. 5,042,997) all disclose a gas flow control system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 703-308-2354. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.